

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CITY OF SOUTH SIOUX CITY,  
NEBRASKA,

Plaintiff,

vs.

THE CHARTER OAK FIRE  
INSURANCE COMPANY, and  
PHILADELPHIA INDEMNITY  
INSURANCE COMPANY,

Defendants.

**4:17CV3108**

**ORDER**

IT IS ORDERED:

- 1) Defendant, Philadelphia Indemnity Insurance Company's (Philadelphia), unopposed motion to amend, (Filing No. 71), is granted.
- 2) Philadelphia's amended answer and counterclaims shall be filed on or before November 22, 2019.
- 3) The final progression order is amended as follows:
  - a) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is March 9, 2020. Motions to compel discovery under Rules 33, 34, and 36 must be filed by March 23, 2020.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- b) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): April 7, 2020.

For the defendant(s): May 18, 2020.

Plaintiff(s)' rebuttal: June 1, 2020

- c) The deposition deadline is July 6, 2020.
- d) The deadline for filing motions to dismiss and motions for summary judgment is August 10, 2020.
- e) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is August 10, 2020.
- f) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- g) The parties anticipate that this case will be resolved on summary judgment. The clerk shall change the internal case management deadline set for April 11, 2020 to August 11, 2020 to confirm the parties' anticipated dispositive motions have been filed.
- h) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

Dated this 15th day of November, 2019.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge